

In May, 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A State trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, well under the speed limit, and based upon this grave crime, ordered all the family members out of the car so he could search for drugs. In this time of grief and tragedy, they had to be disturbed with this kind of treatment. Of course, no drugs were found.

The State trooper in the case claimed the rented Cadillac the family was driving made him think them suspicious, as well as the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a State trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason that he and his family were ordered out of their vehicle on a busy highway?

Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

Again, reemphasizing the point made by the gentleman from Michigan (Mr. CONYERS), how interesting it is that even after getting an agreement through the ACLU, we find some 2 years later that these stoppings of individuals of African American heritage are still occurring.

In fact, despite the agreement that was gotten by the ACLU, we find that State police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since 1995 were those of African Americans, again, despite the fact that only 14 percent of those driving along that stretch were African Americans.

This is a piece of legislation that is long overdue, and its emphasis should not detract from the fact that its importance is the right of the protection of the Constitution and the Bill of Rights. It is the protection of those constitutional provisions that will apply to all citizens.

We are long overdue in trying to find out why we have this kind of disparate treatment, why many of us as parents of African American children are fearful of sending our young people out on the freeways and highways of America. If this is to be a country for all people, then the laws must treat everyone fairly. I appreciate very much the efforts of the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) for this legislation.

Mr. Speaker, I rise today in strong support of Congressman CONYER'S H.R. 118, the "Traffic Stops Statistics Act of 1997." This legislation is an important step towards addressing the discrimination faced by minorities on our nation's roadways.

The Traffic Stops Statistics Act authorizes the Attorney General to conduct a study of stops for routine traffic violations by law en-

forcement officers. The study is to include consideration of such factors as: (1) the race and ethnicity of the individual stopped; (2) the traffic infraction alleged to have been committed that led to the stop; (3) whether a search was instituted as a result of the stop; (4) how the search was instituted; (5) the rationale for the search; (6) whether any warning or citation was issued as a result of the stop; and (7) whether an arrest was made as a result of either the stop or the search.

The need for such a study becomes readily apparent when we review the few, limited studies already conducted in this area. Those studies reveal that although African Americans make up only 14 percent of the population, they account for 72 percent of all routine traffic stops. To make matters worse, far more blacks stopped for traffic violations are subject to car searches than comparable whites. The numbers are so out of line that coincidence is impossible.

For an example of the arbitrary and discriminatory treatment of African Americans on our nation's roadways, we need not look far beyond the Beltway. Robert Wilkins is a Harvard Law School graduate—a public defender here in the District of Columbia. Mr. Wilkins is also African-American. In May 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A state trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, and based upon this grave crime ordered all the family members out of the car so he could search for drugs. Of course, no drugs were found. The state trooper in this case claimed the rented Cadillac the family was driving made him suspicious, as did the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a state trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason he and his family were ordered out of their vehicle on a busy highway? Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

In November 1996, the ACLU sought a fine for contempt of court against the Maryland State Police, arguing that police were still conducting a disproportionate number of drug searches of cars driven by African Americans almost two years after agreeing to remedy these practices as a result of a 1992 lawsuit. Despite the agreement, state police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since January, 1995 were those of African Americans, despite the fact that only 14 percent of persons driving on that stretch of road were black. Police found absolutely nothing in 70 percent of those searches.

The Traffic Stops Statistics Act study will discourage law enforcement officers from such discriminatory treatment of minorities by discouraging the use of race as the primary factor in making determinations as to whether or not to institute a car search. It will also provide statistical data as to the nature and extent of the problem of African Americans being targeted for traffic stops.

I want to commend Mr. CONYERS and his staff for their determination and tireless work

in bringing this legislation before us today. I urge my colleagues to cast a vote today for fairness and justice and to vote in support of H.R. 118, the "Traffic Stops Statistics Act."

Mr. Speaker, I ask my colleagues to vote for this legislation.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 118, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3211) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arlington National Cemetery Burial Eligibility Act".

SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§2412. Arlington National Cemetery: persons eligible for burial

"(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

“(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

“(A) Medal of Honor.

“(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

“(C) Distinguished Service Medal.

“(D) Silver Star.

“(E) Purple Heart.

“(5) Any former prisoner of war who dies on or after November 30, 1993.

“(6) The President or any former President.

“(b) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

“(1) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

“(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

“(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

“(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

“(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

“(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

“(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

“(c) SPOUSES.—For purposes of subsection (b)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a), who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

“(d) DISABLED ADULT UNMARRIED CHILDREN.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (b) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

“(e) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

“(f) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—Eligibility

for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

“(g) APPLICATION FOR BURIAL.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army or any other responsible official.

“(h) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

“(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

“(i) DEFINITIONS.—For purposes of this section:

“(1) The term ‘retired member of the Armed Forces’ means—

“(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

“(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

“(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10, of eligibility for retired pay under chapter 1223 of title 10.

“(2) The term ‘former member of the Armed Forces’ includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95-202 (38 U.S.C. 106 note).

“(3) The term ‘Superintendent’ means the Superintendent of Arlington National Cemetery.”

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

“2412. Arlington National Cemetery: persons eligible for burial.”

(d) TECHNICAL AMENDMENTS.—Section 2402(7) of title 38, United States Code, is amended—

(1) by inserting “(or but for age would have been entitled)” after “was entitled”;

(2) by striking out “chapter 67” and inserting in lieu thereof “chapter 1223”; and

(3) by striking out “or would have been entitled to” and all that follows and inserting in lieu thereof a period.

(e) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 3. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(a) of this Act, the following new section:

“§2413. Arlington National Cemetery: persons eligible for placement in columbarium

“(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

“(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

“(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

“(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

“(b) SPOUSE.—Section 2412(c) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(c) of this Act, the following new item:

“2413. Arlington National Cemetery: persons eligible for placement in columbarium.”

(c) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 4. MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(a) of this Act, the following new section:

“§2414. Arlington National Cemetery: authorized headstones, markers, and monuments

“(a) GRAVESITE MARKERS PROVIDED BY THE SECRETARY.—A gravesite in Arlington National Cemetery shall be appropriately marked in accordance with section 2404 of this title.

“(b) GRAVESITE MARKERS PROVIDED AT PRIVATE EXPENSE.—(1) The Secretary of the Army shall prescribe regulations for the provision of headstones or markers to mark a gravesite at private expense in lieu of headstones and markers provided by the Secretary of Veterans Affairs in Arlington National Cemetery.

“(2) Such regulations shall ensure that—

“(A) such headstones or markers are of simple design, dignified, and appropriate to a military cemetery;

“(B) the person providing such headstone or marker provides for the future maintenance of the headstone or marker in the event repairs are necessary;

“(C) the Secretary of the Army shall not be liable for maintenance of or damage to the headstone or marker;

“(D) such headstones or markers are aesthetically compatible with Arlington National Cemetery; and

“(E) such headstones or markers are permitted only in sections of Arlington National Cemetery authorized for such headstones or markers as of January 1, 1947.

“(c) MONUMENTS.—(1) No monument (or similar structure as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

“(2) A monument may be placed in Arlington National Cemetery if the monument commemorates—

“(A) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

“(B) a particular military event.

“(3) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

“(A) in the case of commemoration of service under paragraph (1)(A), on the last day of the period of service so commemorated; and

“(B) in the case of commemoration of a particular military event under paragraph

(1)(B), on the last day of the period of the event.

"(4) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(b) of this Act, the following new item:

"2414. Arlington National Cemetery: authorized headstones, markers, and monuments."

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to headstones, markers, or monuments placed in Arlington National Cemetery on or after the date of the enactment of this Act.

SEC. 5. PUBLICATION OF REGULATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall publish in the Federal Register any regulation proposed by the Secretary under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3211.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3211, the Arlington National Cemetery Burial Eligibility Act, is an important bill that is strongly supported by veterans and their service organizations.

The lion's share of credit for setting the stage for this bill goes to the gentleman from Alabama (Mr. TERRY EVERETT), chairman of the Subcommittee on Oversight and Investigations. His investigation of the waiver process in Arlington National Cemetery has resulted in bipartisan support for H.R. 3211.

In concert with his ranking member, the gentleman from South Carolina (Mr. JIM CLYBURN), the subcommittee tackled some very difficult issues in a comprehensive and professional manner. The bill codifies many of the current regulations of eligibility for burial in the cemetery and placement in the Columbarium.

However, the bill departs from current practice in the following ways:

One, no waivers to the military service requirements for a burial would be allowed for anyone. Family members of eligible veterans would be the only nonveterans allowed to be buried, and they would be in the same gravesite as the eligible veteran.

Second, the bill would eliminate automatic eligibility for Members of Congress and other Federal officials who do not meet all of the military criteria required for other veterans. Currently, these so-called "high Federal officials" are eligible simply by being veterans. The President, as Commander in Chief of the Armed Forces, would be the only official whose eligibility would be retained under the bill.

Third, the bill requires that in the future, memorials and markers erected in the cemetery must commemorate service in the armed services.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very proud to join the gentleman from Arizona (Mr. STUMP) in introducing H.R. 3211, the Arlington National Cemetery Burial Eligibility Act.

The GAO has told us that the eligibility requirements for burial at the cemetery needs clarification, and that the standards for waivers have been inconsistently applied over several years.

The bill we are considering today directly addresses those concerns. It writes into law the eligibility rules for burial at Arlington, allows for the burial of the close family members of persons whose military service has qualified them for burial at Arlington, and virtually eliminates the possibility that waivers shall be granted in the future to persons who do not otherwise meet the eligibility criteria for burial there.

As an enlisted in the United States Marine Corps and a member of the Committee on Veterans' Affairs since I came to Congress, I know that the cemetery is truly sacred ground, especially for our Nation's veteran population. That is why I was extremely concerned by reports that waivers for burial at the cemetery were being granted in exchange for major political contributions.

As everyone should know by now, those reports turned out to be untrue, and without any substantiation whatsoever. But while the GAO expedited review found "no evidence" of waivers for contributions, it did highlight some of the serious flaws in the existing process for burials at the cemetery.

The bill that the gentleman from Arizona (Mr. STUMP), our chairman, and I have put together addresses those concerns. It removes most of the discretion, ambiguity and guesswork from the eligibility process for burials at the cemetery, and it makes it easier for the public to understand the requirements for burial at the cemetery.

Before I conclude my remarks, Mr. Speaker, I want to take a moment to thank the gentleman from Arizona (Chairman STUMP). His focus has been on policy over politics. He has worked through this entire process, working with virtually every member of the committee, and has extended great cooperation to me as the leading Democrat on the committee.

I salute the gentleman from Arizona (Mr. STUMP), Mr. Speaker, for his work on getting this bill here today.

The bill we are bringing to this Congress today will honor the commitments that so many veterans have made to this country. I urge my colleagues to support the bill, H.R. 3211.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. EVERETT), who is chairman of our Subcommittee on Oversight and Investigations.

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Mr. EVERETT. Mr. Speaker, if the recent Veterans' Affairs subcommittee hearings on Arlington National Cemetery have demonstrated anything, it is the special reverence with which Americans regard Arlington as a national shrine to honor our military heroes, many of whom were ordinary people who were extraordinary in their defense of our liberties. The only objective of our work has been to ensure the integrity of that hallowed place.

Although the committee's active interest in Arlington preceded the burial waivers investigation by the Subcommittee on Oversight and Investigations, which I chaired, the subcommittee took a thorough look at Arlington and identified serious problems with the waivers and laid much of the foundation of H.R. 3211.

Mr. Speaker, I am proud to join the gentleman from Arizona (Mr. STUMP), our full committee chairman, and many of our colleagues in this bipartisan legislation to codify and reform Arlington eligibility. With the assistance of the General Accounting Office review of burial waivers at Arlington, the Subcommittee on Oversight and Investigations found that the waiver process and criteria were unpublished; information about waivers has often not been available to the general public; the waiver process has lacked clear and consistent criteria, and to the extent it had criteria, it was never followed; decisions themselves have sometimes been inconsistent and not clearly documented; and worst of all, in large part because of the lack of openness and definition, the waiver process has been open to insider political influence, string-pulling and favoritism.

While nothing is perfect, Arlington's system of burial waivers has proved to fall far short of the openness that veterans and the public deserve. I believe that there is widespread agreement that legislative steps are necessary to correct these serious problems our investigation has identified.

As H.R. 3211 moves along and encounters the vagaries of all legislation, we should maintain the bill's objectives of establishing clear-cut eligibility and preserving the military character of Arlington.

Mr. Speaker, I want to commend the gentleman from Arizona (Mr. STUMP) for his leadership on Arlington burial

eligibility and for moving this very important legislation. I also want to commend the gentleman from Illinois (Mr. EVANS), our ranking Democrat, the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, the gentleman from California (Mr. FILNER), that subcommittee's ranking Democrat, and the gentleman from South Carolina (Mr. CLYBURN), ranking Democrat on my subcommittee.

They have worked long and hard on H.R. 3211.

Mr. Speaker, I urge my colleagues to approve this timely measure to protect the integrity and honor of Arlington National Cemetery.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS), for yielding me this time, and I thank the gentleman from Arizona (Mr. STUMP), our chairman, for bringing this bill to the floor so quickly.

Mr. Speaker, I too am a strong proponent of the bill before us, H.R. 3211. The Subcommittee on Benefits held a hearing on this measure on February 24, and all of our witnesses were supportive of this bill.

After all that has been said and written in recent months about Arlington National Cemetery, we all agreed that Arlington's burial eligibility requirements needed to be clarified, codified, and refined and this is exactly what H.R. 3211 will do.

I am very proud that the members of our committee came together in a bipartisan fashion to introduce responsible and evenhanded legislation that will maintain the honor and dignity of Arlington's sacred ground. This matter is too important to us as a Nation, a Nation that deeply respects its military dead, for it to be manipulated.

I know that all of my colleagues were comforted, as I was, by the results of the GAO investigation which found no evidence that political contributions played a role in waiver decisions. This is not to say that the Arlington waiver process does not need revision and clarification. The process needs to be reworked, and H.R. 3211 will satisfy the concerns that many of us have had about burial eligibility at Arlington National Cemetery.

I do believe, however, Mr. Speaker, that the bill we are considering today can be and should be improved. As reported by the committee, H.R. 3211 includes no mechanism by which individuals who perform extraordinary acts in service to the United States can be recognized and be buried in Arlington. But common sense and historical evidence makes it clear to me that there must be some procedure in place to permit burial of those rare and unusual individuals whose military service alone does not meet the specific criteria included in H.R. 3211, but whose life accomplishments following their service in America's Armed Forces are so remarkable and distinctive and compel-

ling that we as a Nation feel we must honor these individuals with burial in Arlington National Cemetery.

I am certain that a very tight, very disciplined, and very public process can be designed that would protect and ensure the integrity of the hallowed ground of Arlington, but that would also enable Americans to demonstrate their deep respect and appreciation for the lives and contributions of our most brilliant and beloved countrymen and women. Although this issue was raised too late in the process for the committee to address it, I look forward to working with Members of the other body to further improve a very good bill.

Mr. Speaker, I urge support of H.R. 3211.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, a great supporter of veterans and this committee.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP) for taking me out of order so I can get back to a meeting of the Committee on Rules and expedite the legislation for the next 2 weeks.

Mr. Speaker, I do rise in strong support of this legislation to protect our most sacred national cemetery, and to commend the gentleman from Arizona (Mr. STUMP), my very good friend and chairman of the Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS), and certainly the gentleman from Alabama (Mr. EVERETT) as well as the gentleman from New York (Mr. QUINN) sitting next to me, all of whom have done such a great job bringing this bill to the floor.

As a cosponsor of this legislation, I am proud that today the House is taking this decisive step to protect the sanctity and integrity of Arlington Cemetery. Arlington Cemetery is a place that has become synonymous with valor, courage, and honor that is second to none. It is rightfully a place to be revered as more than a graveyard, but as a resting place and as a lasting monument to heroes, real American heroes, Mr. Speaker, to whom all of us owe our freedoms. And that means that the very least that we can do is to remove the potential for dishonoring that shrine with politics.

This bill does just that by removing virtually all discretion and all waivers for burials at Arlington. In other words, Mr. Speaker, either individuals qualify or they do not, and that is the way it should be. That goes for Members of Congress, for Vice Presidents, for Cabinet members, Court Justices and anyone else. If the person was not killed while serving this country in uniform, was not a decorated veteran, a former prisoner of war, a military retiree or a spouse or child of such qualified veterans that will be buried there, there is no room for burial at Arlington. And again that is the way it should be.

Still, any honorably discharged veteran is always eligible to have their cremated remains displayed there. That is, any honorably discharged veteran.

Mr. Speaker, I urge everyone in the House to support this bill and, when they get a chance, to go out to Arlington again, if they have not been there before, and walk among the headstones, as Chairman STUMP and I did just the other today. I believe they will thank themselves for voting to protect that national shrine and for keeping it open exclusively for those brave men and women who above all else deserve it.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I also rise in support of H.R. 3211. Earlier this year, in response to public concern with the number of burial waivers granted at Arlington National Cemetery, I introduced the Arlington National Cemetery Integrity Act to clarify once and for all who can and who cannot be buried there.

Because this is the last honor the United States can bestow upon our veterans who sacrificed for our freedoms, I was pleased that the gentleman from Arizona (Mr. STUMP), chairman, and the gentleman from Illinois (Mr. EVANS), ranking member of the Committee on Veterans' Affairs, introduced this bill which is similar to the one that I have introduced. Under both of these proposals, current burial guidelines would be put into law and waivers would be eliminated.

Mr. Speaker, we must preserve the integrity and true meaning of this final tribute to our soldiers. H.R. 3211 will accomplish this goal. I urge my colleagues to support this important legislation and again commend the Committee on Veterans' Affairs for its swift action on this piece of legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. QUINN), chairman of our Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I too would like to support H.R. 3211. We have talked about its intention to bring order to the process of being buried at Arlington National Cemetery. We all know that the bill would codify, with exceptions that have been discussed today, existing regulatory eligibility criteria for burial at Arlington National Cemetery. Other than persons specifically enumerated in the bill, no other person could be buried in Arlington. In general, we have discussed who those persons would include. Those could include members of the Armed Forces who die in active duty, retired members of the Armed Forces, including Reservists who have served on active duty, former members of the Armed Services who have been awarded the Medal of Honor, Distinguished Service Cross, Air Force Cross, or Navy Cross, Distinguished Service Medal,

Silver Star or Purple Heart, former prisoners of war, President or any former President, Members of the Guard and Reserves who have served on active duty and are eligible for retirement but have not yet retired, the spouse, surviving spouse, minor child and, at the discretion of the superintendent, all of those unmarried adult children, A through F, as we have said.

Mr. Speaker, what I wanted to do is to thank the people on our committee on both sides of the aisle, both the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS), ranking member, as well as the gentleman from Alabama (Mr. EVERETT), the ranking member of the Subcommittee on Benefits, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. SNYDER), a committee member who had thoughtful questions and brought discussion of this whole issue of Arlington.

Now that we have come up with a compromise of sorts to make sure that we are heading in the right direction, toward the end of next month, the gentleman from California (Mr. FILNER) and I will be organizing a visit to Arlington for members on the committee and Members of the Congress at large to talk about their plans for changes at Arlington and to talk about the things that are done in this bill today so that all of us at least in the Congress know where we are headed when we talk about changes necessary at Arlington National Cemetery.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. EVANS. Mr. Speaker, may I inquire as to how much time is remaining on both sides at this point?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. EVANS) has 13 minutes remaining and the gentleman from Arizona (Mr. STUMP) has 11 minutes remaining.

Mr. EVANS. Mr. Speaker, I yield 10 minutes to the gentleman from Arizona (Mr. STUMP), and ask unanimous consent that he be permitted to control that time as he sees fit.

Mr. STUMP. Mr. Speaker, if the gentleman would yield, I thank him and would say that we do need the time. I have more speakers than I anticipated.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman from Arizona for yielding me this time.

Mr. Speaker, I rise in support of H.R. 3211, as amended. This bill establishes an important policy. It provides clear specific statutory criteria for burial at Arlington National Cemetery. In doing so, the bill would rule out a troubling policy of granting exceptions to eligibility rules which, until now, have been set in regulations.

As the oversight of the Committee on Veterans' Affairs has shown, the practice of entertaining requests for waivers and exceptions at Arlington has opened a door to inconsistency and subjectivity. I hardly need to remind Members of the stains such practices have created.

The bill would close the door to exceptions and restore a sense of honor to administration of this precious, precious site. Burial at Arlington should be reserved to those with distinguished military service. This bill would crystallize that policy. This bill codifies key elements of the current regulations governing eligibility for burial at Arlington. H.R. 3211 draws some hard lines, but they are lines that need to be drawn. They include the following:

No waivers could be granted to the military service requirements for burial. The only nonveterans eligible for burial would be the immediate family members of those veterans eligible for burial, and Members of Congress and other Federal officials who do not meet the military criteria would no longer be eligible for burial at Arlington.

The Committee on Veterans' Affairs did not set this policy in place lightly. H.R. 3211 is a product of careful, comprehensive oversight, extensive consultation with veterans and military service organizations and a great deal of hard work.

I am proud to be a cosponsor of this fine bill and commend my colleagues for their fine work on this legislation.

Mr. Speaker, I have the honor to have my father buried at Arlington National Cemetery for the work he did in the Navy and receiving the Bronze Star in the Iwo Jima campaign. And then I have a great great grandfather who is also buried there who has the same criteria. So it is with a great deal of heartfelt feeling on this issue that I commend this bill to my colleagues and I hope they will pass it.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP), chairman of our committee and dean of our delegation, who continues to set an example in his legislative work, as he did as a younger man in the Pacific theater in World War II.

I thank also the gentleman from Illinois (Mr. EVANS), ranking minority member of the Committee on Veterans' Affairs, for moving forward with this legislation in such a timely manner; for, Mr. Speaker, what we are preparing to do in this Chamber with this vote on this legislation, for which I rise in strong support, is to restore trust with the American people for this hallowed ground.

□ 1500

I cannot help but notice as we look at the ground that makes up Arlington National Cemetery that the headstones

literally border the Pentagon. And indeed decisions made there and decisions made here to send American citizens into harm's way must always be carried out with the utmost sobriety and seriousness, because, as General MacArthur pointed out, "The soldier personally loathes war the most, for it is the soldier who quite literally has the most to lose."

Mr. Speaker, as constituents of mine in the Sixth District of Arizona reacted with surprise and outrage, and Mr. Speaker, I do not think those terms are too strong to use, as revelations came forth that, sadly, this hallowed ground was being misused with a liberal use of waivers, what we will do with this legislation is again to state that Arlington National Cemetery exists for the purpose of honoring our military dead, those who have fallen in pursuing freedom, that we are reaffirming that this hallowed ground belongs to the memory and the remains of those who have contributed mightily, who may have fallen on the field of battle, but who always and forever represented this country with valor and bravery, and that we would not succumb to the temptations and political pressures ever again of yielding any of that ground under suspicions that it might go to the highest bidder.

This is a mission of honor and a restoration of trust, and I appreciate the bipartisan manner in which this legislation has been approached because, again, we set up a formula whereby if waivers are ever to be granted, they will be granted with the full sunshine of this Congress, representing the people constitutionally to make such waivers, not to any back room or any regulation or waiver otherwise granted.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, I want to thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) for their hard work on this bill and the bipartisan effort to bring it forward to the House today.

I, too, was greatly disturbed, as were my constituents, by rumors that there may have been attempts used to have Arlington Cemetery and the privilege of being put to rest there used for political fund-raising purposes.

My grandmother served this country as a nurse in World War I. She had three sons, who all served this country in World War II. My father was in the Navy as an enlisted man. My father-in-law served 30 years in the Navy and retired as a captain. Our family takes great pride in the service that they have offered this country.

It extends to all people, Democrats, Republicans, rich and poor, the ability to make a sacrifice to serve this country. And Arlington is where we honor those who have perhaps sacrificed the most in the cause of freedom and upholding liberty in this great Nation.

So it is with great pleasure that I speak out in favor of this bill. My generation wants to honor those who have sacrificed for our country and those who will sacrifice for our country by serving in the military in the future. This bill puts on record that all of us can come together today and say, this has to be above politics.

Mr. Speaker, I do want to thank the chairman and the ranking member for their hard efforts in bringing this bill to the floor.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I am pleased to join the distinguished chairman of the Committee on Veterans' Affairs and the ranking member in support of H.R. 3211, which will do much to restore the honor of burial at Arlington National Cemetery.

I have heard from hundreds of my constituents who are concerned that burial at Arlington has been granted to nonveterans because of special waivers. My constituents were equally concerned by the reluctance of the administration to release names and details about those buried under the waiver process. So I acted on these concerns by introducing a bill of my own, similar to the legislation before the House today, to ensure greater scrutiny and full disclosure of waiver requests.

H.R. 3211 requires the Secretary of the Army to maintain a register of those buried at Arlington and requires that this register be made available to the public. While I understand the privacy concerns that limit the initial disclosures of waiver recipients, I also believe that this reluctance created the unfortunate perception that the administration was trying to hide something.

Arlington is a public cemetery, and we should have the full public disclosure which this bill provides. I also agree with the emphasis that this bill gives to educating veterans about Arlington. This bill will require the Secretary of the Army to publish a pamphlet describing eligibility requirements. Such materials are needed to reassure the veterans community, as well as to clarify eligibility requirements.

I have heard stories of veterans awarded the Silver Star who deserve burial at Arlington by any measure, but they do not realize they are worthy of this honor or this opportunity. This bill corrects that problem by providing the Secretary the materials needed to educate this community.

This is an outstanding bill, Mr. Speaker, that corrects the significant loopholes created by the waiver process and reaffirms our belief that only a very honored few deserve to be buried at Arlington National Cemetery. I urge my colleagues to support this legislation.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there have been some Members that have expressed a desire to consider language that would still provide a waiver for Arlington, and we considered this at length in committee. I personally oppose such language and would like to include for the record letters from the American Legion, AMVETS, the Disabled American Veterans, the Veterans of Foreign Wars, Vietnam Veterans of America, the Non-Commissioned Officers Association, and the Retired Enlisted Association, among others, that oppose such language.

Mr. Speaker, I include the following for the RECORD:

THE AMERICAN LEGION,
Washington, DC, March 12, 1998.

Hon. BOB STUMP,
Chairman, House Committee on Veterans' Affairs, Washington DC.

DEAR CHAIRMAN STUMP: The American Legion fully supports H.R. 3211, a bill to codify existing regulatory criteria for burial in Arlington National Cemetery. The American Legion believes codifying existing regulations and prohibiting any future waiver authority is an unfortunate but necessary step to maintain the honor and sanctity of Arlington National Cemetery. The current waiver process is purely subjective, inconsistent and vulnerable to political influence. Allowing future waivers at Arlington National Cemetery would continue this subjective and inconsistent waiver process and allow for possible abuses by the current and future administrations.

Although the valuable contributions of non-veterans in service to the nation and society is notable, these individuals are not legally obligated to perform their duties in the same manner as member of the armed forces. When individuals don the military uniform and take the oath of office, they lose some personal freedoms, experience undue hardships and accept a unique standard of conduct governed by the Uniform Code of Military Justice. Failure or refusal to perform their assigned mission will result in criminal proceedings that may lead to a General Court Martial and a dishonorable discharge. Individuals serving in the civilian government and private workforce are not legally obligated in this same manner.

The American Legion believes Arlington National Cemetery is clearly a cemetery operated and maintained by the Department of the Army exclusively for military personnel, retirees, veterans and their immediate family members. Requirements to be buried in Arlington are strict because of the prestige, history and special recognition of honorable military service. If Congress truly believes someone warrants burial in Arlington National Cemetery, it can pass separate legislation authorizing a waiver on a case by case basis. In light of the recent waiver abuses, The American Legion believes H.R. 3211 is now the best alternative to protecting the sanctity of this national military shrine.

Sincerely,

STEVE A. ROBERTSON,
Director,
National Legislative Commission.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, March 13, 1998.

Hon. BOB STUMP,
Chairman, Veterans' Affairs Committee, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: The Veterans of Foreign Wars of the United States (VFW) has already strongly endorsed your excellent bipartisan bill H.R. 3211, the "Arlington Na-

tional Cemetery Burial Eligibility Act." I again put the VFW on record with you and your committee to clearly and concisely state that the 2.1 million members of this organization firmly believe no other persons should be buried at Arlington other than those enumerated in your bill.

Thank you and all other members of your committee for the collective concerns and efforts extended to our nation's veterans. The VFW asks that you do the only proper and equitable thing today regarding Arlington National Cemetery. Please retain this piece of hallowed ground for persons who have dedicated their lives to the military profession and/or who were either killed while on active duty or received an award for extraordinary heroism.

Sincerely,

JOHN E. MOON,
Commander-in-Chief.

DISABLED AMERICAN VETERANS,
Washington, DC, March 20, 1998.

Hon. BOB STUMP,
Chairman, House Veterans' Affairs Committee, Washington, DC.

Attn: Mike Brinck.

DEAR REPRESENTATIVE STUMP: This letter is to advise you that the Disabled American Veterans (DAV) National Executive Committee passed a resolution on March 17, 1998, supporting legislation to preserve burial space in Arlington National Cemetery for America's military heroes. I have enclosed a copy of this resolution.

It is the DAV's position that, with the exception of the President or former Presidents of the United States, burial in Arlington should be reserved for veterans who meet the existing criteria for burial eligibility in Arlington National Cemetery. The DAV does not support any discretionary waiver process that would allow for the burial of non-veterans at Arlington National Cemetery.

Accordingly, the DAV is on record as supporting the principles of H.R. 3211. Thank you for your continued support.

Sincerely,

HARRY R. McDONALD, Jr.,
National Commander.

Enclosure.

DAV NATIONAL EXECUTIVE COMMITTEE
RESOLUTION

SUPPORTING LEGISLATION TO PRESERVE BURIAL SPACE IN ARLINGTON NATIONAL CEMETERY FOR AMERICA'S MILITARY HEROES

Whereas, our citizens hold veterans in the highest esteem and accord special honors to them for the unique contributions they make in service in our Nation's Armed Forces, and

Whereas, such honors set veterans apart because they are bestowed only upon veterans, and

Whereas, burial in Arlington National Cemetery, our Nation's most prestigious and hallowed national cemetery, should be an honor reserved for America's military heroes, and

Whereas, burials of nonveterans at the discretion of the Secretary of the Army have brought into question not only the application but also the wisdom of such policy, and

Whereas, the limited burial space in Arlington should not be further depleted by burial of nonveterans, NOW

Therefore, be it resolved That the Disabled American Veterans, National Executive Committee, meeting at Arlington, Virginia on this the 17th day of March, 1998, goes on record as supporting legislation to codify existing criteria for veterans' burial eligibility and eliminating provisions for burial of non-veterans, other than Presidents of the United States, in Arlington National Cemetery.

AMVETS,
Lanham, MD, March 12, 1998.
Hon. BOB STUMP,
Chairman, House Veterans Affairs Committee,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We understand that there was some discussion during the markup of H.R. 3211 (Arlington Cemetery) in which committee members raised the issue of providing authorization of waivers for burial in Arlington National Cemetery. AMVETS adamantly opposes any waivers and supports H.R. 3211 as it stands.

We testified to that effect in February to the House Veterans Affairs Health Subcommittee. Arlington is a veterans cemetery and should be reserved for those who served.

Sincerely,

JOSEPHUS C. VANDENGOORBERGH,
AMVETS National Commander.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, March 11, 1998.
Hon. BOB STUMP,
House Committee on Veterans' Affairs, Cannon
House Office Building, Washington, DC.

DEAR CHAIRMAN STUMP: In response to some of the discussion at the full Committee markup this afternoon, I wanted to convey to you and the members of the Committee VVA's perspective on the Arlington Cemetery burial criteria bill.

Recent scrutiny of the burial waiver procedures in Arlington National Cemetery have certainly brought to light the passion America feels for this most sacred of all military burial grounds. The public at large, and veterans in particular, were very alarmed at the appearance of impropriety of the burial waiver process. What seems to have come to light is the fact that the burial eligibility for Arlington National Cemetery was not a matter of clear statutory guidance. And furthermore, the waiver process was not accessed by most veterans' families who were turned away by the Superintendent upon initial inquiries about eligibility. We suspect that many of these families were not aware of a waiver process, or probably took the Superintendent's assessment at face value and did not pursue nor even inquire about waivers.

It certainly seems desirable to have a cut-and-dry set of criteria outlining who may and who may not be buried in Arlington National Cemetery. And thus, eliminating the waiver process precludes all appearances of impropriety.

If this bill is passed, VVA is confident that Congress could, in extraordinary circumstances, provide an exception for individuals who do not have military service which meets the statutory criteria, but who have demonstrated public service which merits a distinctive burial at Arlington Cemetery. Just as the Veterans' Affairs Committees led Congress in the move to make Bob Hope an "Honorary Veteran," we believe a similar procedure would be possible in specific cases. VVA would prefer that the more cumbersome route of Congressional exemptions be implemented, rather than having the potential for ambiguous interpretation in an administrative waiver process.

Should there be any additional questions or concerns about this bill or the waiver process, I would be very pleased to clarify VVA's position further. Again, thank you for your leadership on this issue.

Sincerely,

KELLI WILLARD WEST,
Director of Government Relations.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, Virginia, March 11, 1998.

Hon. BOB STUMP,
Chairman, Committee on Veterans Affairs,
House of Representatives, Cannon House
Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Non Commissioned Officers Association of the USA (NCOA) is writing to restate its strong and unequivocal support for H.R. 3211, a bill that would codify the eligibility requirements for burial at Arlington National Cemetery.

The whole purpose of H.R. 3211 is to eliminate the discretion and subjective determinations that have led to questionable actions concerning Arlington. This Association believes we should not provide even a small amount of wedge room that likely would lead to future controversy. In our view, the eligibility for burial at Arlington should be so clear and explicit so as to allow the Superintendent to make all eligibility determinations. Waiver of the eligibility criteria must be strictly forbidden including those actions currently authorized by the Secretary of the Army and the President. Under current, and a proposed criteria, that disallows burial in Arlington National Cemetery for millions of veterans, this Association is adamantly opposed to any further leniency in the eligibility criteria beyond that proposed in H.R. 3211.

In NCOA's opinion, our position on this issue does not preclude the consideration of exceptionally, compelling cases by the Congress of the United States. Congress has taken such actions previously and this course is clearly the way preferred by this Association.

For your information, I have sent a similar letter to all of your colleagues on the House Veterans Affairs Committee.

Sincerely,

LARRY D. RHEA,
Deputy Director
of Legislative Affairs.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, Virginia, March 11, 1998.
To: All members of the House Veterans Affairs Committee.

The Retired Enlisted Association (TREA) is writing to restate its strong support for H.R. 3211, a bill that would codify the eligibility requirements for burial at Arlington National Cemetery.

The purpose of H.R. 3211 is to eliminate the discretion and subjective determinations that have led to questionable actions concerning Arlington. In our view, the eligibility for burial at Arlington should be so clear and explicit so as to allow the Superintendent to make all eligibility determinations. Many veterans are not allowed to be buried at Arlington with the current regulations. Why should we allow waivers for persons that do meet the requirements for burial at Arlington?

In TREA's opinion, our position on this issue does not preclude the consideration of exceptionally, compelling cases by the Congress of the United States. Congress has taken such actions previously and this course is clearly the way preferred by this Association.

Sincerely,

MARK H. OLANOFF,
Legislative Director.

Mr. STUMP. Mr. Speaker, I believe it would be better to investigate the feasibility of establishing perhaps another cemetery in Washington for the purpose of honoring Americans who have substantially contributed to the well-being of the Nation but who do not

meet the strict military criteria for burial at Arlington. If there are Members who are willing to pursue this avenue, I would be happy to commit to working with the Senate in conference to achieve such a consensus.

In closing, Mr. Speaker, there are a lot of people who deserve a lot of thanks, and I would like to thank the gentleman from New York (Mr. QUINN), the gentleman from California (Mr. FILNER), the chairman and the ranking member of the Subcommittee on Benefits; the gentleman from Alabama (Mr. EVERETT) and the gentleman from South Carolina (Mr. CLYBURN), the ranking member and the chairman of the Subcommittee on Oversight and Investigations; and special thanks to the gentleman from Illinois (Mr. EVANS), the ranking Democrat on this committee, for all the help he has provided in working out the differences on this bill, and I am entirely grateful for his help.

As I mentioned before, this is a bipartisan bill and would I urge all Members to support it.

Mr. GOSS. Mr. Speaker, Arlington National Cemetery is more than just a place or burial for our veterans. It is a symbol of honor, respect and American tradition. It is a tragedy when these principles are threatened by inconsistency or irresponsibility. There has been an outpouring of anger and suspicion in my district and elsewhere following the accusations that Arlington waivers were being handed over on the basis of campaign donations or political clout, rather than meritorious service to our country. People are questioning the integrity of those charged with overseeing the process. Today, we are responding because our veterans deserve better.

Burial at Arlington National Cemetery shouldn't be diminished by red tape. But if it takes some Federal legislation to protect our commemoration of those who have sacrificed for our Nation, then passage of H.R. 3211 is the right thing to do. It is my hope that this again will help restore faith among our deserving veterans and the American people by clarifying once and for all the proper standards and procedures for burial in Arlington's sacred ground. I urge adoption.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EVANS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I urge my colleagues to support the bill.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3211, as amended.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 1415

Mr. MCINTOSH. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor from H.R. 1415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

(Mr. MCINTOSH asked and was given permission to revise and extend his remarks.)

Mr. MCINTOSH. Mr. Speaker, my district health care advisory committee, consisting of health industry professionals, insurers and providers, has advised me that PARCA, H.R. 1415, is not the best means to protect patients rights and has recommended that I withdraw from the bill.

However, I do support patient protections and am submitting for the RECORD a statement of principles that is a small government approach to protecting patients' rights and health care reform.

HEALTH CARE STATEMENT OF PRINCIPLES:
WHAT HEALTH CARE REFORM LEGISLATION
MUST INCLUDE THIS YEAR

1. Increasing the number of insured Americans by providing everyone access to tax-free insurance. Millions of Americans receive a tax free employer-provided health insurance coverage. However, this option is not available to everyone. As a matter of fairness, it should be. The self-employed and individual workers must be able to purchase fully deductible insurance. This would vastly decrease the roles of America's uninsured. Moreover, increasing the number of insured children can be achieved by making children's health care completely tax deductible.

2. Individual choice: Individuals must be able to choose the health coverage that meets their needs as well as the needs of their family. Americans should be able to select from a menu of benefits in any health coverage plan, including a point-of-service option. They should be allowed to choose from plans available in the marketplace, based on price competition and personal choice. Especially important in this effort is eliminating government restrictions, such as innovative health care plans like Medical Savings Accounts.

3. Patient access: Americans should have the right to see the doctor of their choice. Americans should have the flexibility and accessibility to see their own doctors or specialists at an affordable rate. Health care plans should not discriminate on the basis of license in reimbursing eligible network health care providers for performing a covered service.

4. Freedom of Speech: Americans must have the right to talk freely with their doctors. Health care plans should not include "gag clauses" that restrict a physician's ability to communicate to their patients. Patients have the right to know all possible options concerning their care.

5. Quality health care at lower costs. Health care costs have skyrocketed in large part because of the proliferation of litigation by unscrupulous trial lawyers. The abuse of the system has made all of us victims of high health care costs. Congress must enact medical malpractice reform and common sense legal reform for life-saving bio-medical materials. The revised standard of liability should apply to third party health care plans that make medical judgements on applicable care.

6. Lower Cost Options for Healthy Americans. Americans should not be punished for being in good health. Those Americans who

look after their health by eating healthy, exercising, and not smoking should be rewarded with less expensive health care for their efforts.

7. Elderly Americans and Doctors Must Have Freedom to Choose. Section 4507 of the Balanced Budget Act, which forbids doctors from treating any Medicare patients if they see one Medicare patient on a private contracting basis, should be repealed. Patients must not be coerced by the federal government from seeing each other if it best serves their health care needs.

9. Freedom of Information. American health care consumers shall have the right to a clear and concise description of what is and is not covered by any health plan. In addition, all health care plans shall provide full disclosure of the professional qualifications and performance records of their health care providers as well as their practices and procedures.

USERRA AMENDMENTS ACT OF
1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3213) to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "USERRA Amendments Act of 1998".

SEC. 2. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE AS AN EMPLOYER.

(a) IN GENERAL.—Section 4323 of title 38, United States Code, is amended to read as follows:

"§ 4323. Enforcement of rights with respect to a State or private employer

"(a) ACTION FOR RELIEF.—(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

"(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

"(A) has chosen not to apply to the Secretary for assistance under section 4322(a) of this title;

"(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) JURISDICTION.—(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United States shall have jurisdiction over the action.

"(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

"(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

"(c) VENUE.—(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

"(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer of the person maintains a place of business.

"(d) REMEDIES.—(1) In any action under this section, the court may award relief as follows:

"(A) The court may require the employer to comply with the provisions of this chapter.

"(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

"(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(2)(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

"(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of three years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

"(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e) EQUITY POWERS.—The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

"(f) STANDING.—An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

"(g) RESPONDENT.—In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

"(h) FEES, COURT COSTS.—(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in